

FILED

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RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

ZHEN PAI LIU,

Defendant.

No. 3-09-71021-JCS

STIPULATION AND ~~PROPOSED~~
ORDER DOCUMENTING WAIVER

With the agreement of the parties, and with the consent of the defendant, the Court enters this order setting a new preliminary hearing date for March 17, 2010, at 9:30 a.m., before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding time under the Speedy Trial Act until March 17, 2010. The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, ZHEN PAI LIU, was arrested during the afternoon of Friday, December 4, 2009, and charged in a complaint filed on the morning of Monday, December 7, 2009, with one count of conspiracy to distribute and to possess with intent to distribute MDMA,

1 commonly known as Ecstasy, in violation of 21 U.S.C. § 846. LIU was presented to Magistrate
2 Judge Joseph C. Spero on December 7, 2009, and on December 10, 2009, Hugh Levine, Esq.,
3 was formally appointed to represent LIU. The defendant waived his right to seek bail without
4 prejudice to any future bail applications, and a preliminary hearing date was set for December 21,
5 2009. The defendant remains detained pending further proceedings.

6 2. Following the appointment of Mr. Levine, the parties have been conferring
7 regarding possible dispositions of this matter prior to the filing of formal charges. As a result,
8 the Court, upon the joint request of the parties, continued the preliminary hearing date from
9 December 21, 2009 until January 18, 2010, and then again until February 22, 2010, to provide
10 the parties additional time to pursue a disposition.

11 3. Since then, the parties have conferred but have not yet completed their
12 discussions. As a result, the parties respectfully seek to continue the preliminary hearing date
13 until March 17, 2010 at 9:30 am before the duty magistrate and exclusion of time under the
14 Speedy Trial Act, 18 U.S.C. § 3161.

15 4. Taking into the account the public interest in the prompt disposition of criminal
16 cases, the above-stated ground is good cause for extending the time limit for a preliminary
17 hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment, and
18 for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny the
19 defense time for effective preparation and for seeking disposition of this matter on agreed-upon
20 terms.

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1 5. Accordingly, with the consent of the defendant, the Court hereby orders that a new
2 preliminary hearing date be set for March 17, 2010 at 9:30 am before the duty magistrate judge,
3 and that the period until March 17, 2010 be excluded from the time period for preliminary
4 hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations
5 under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

6 SO STIPULATED:

7
8 DATED: February 19, 2010

/s/
HUGH A. LEVINE, ESQ.
Attorney for ZHEN PAI LIU

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10
11 DATED: February 19, 2010

/s/
W.S. WILSON LEUNG
Assistant United States Attorney

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13
14 IT IS SO ORDERED.

15 DATED: February 19, 2010



HON. MARIA-ELENA JAMES
Chief United States Magistrate Judge